

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMUEL PEGO,

Petitioner,

Case No. 15-cv-11976
Hon. Matthew F. Leitman

v.

THOMAS MACKIE,

Respondent.

**ORDER DENYING MOTION TO REQUEST TIME TO RE-FILE
PETITION (ECF #7)**

On June 1, 2015, Petitioner Samuel Pego (“Pego”) filed a petition in this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (the “Petition”). (See ECF #1.) The Court dismissed the Petition on June 10, 2015. (See ECF #5.) The Court explained that Pego could not proceed under 28 U.S.C. § 2241 because he had not shown that his remedy under 28 U.S.C. § 2255 is inadequate or ineffective. (See *id.*) The Court also told Pego that it could not convert his § 2241 motion into a motion to vacate sentence under § 2255. See *In re Shelton*, 295 F.3d 620, 622 (6th Cir. 2002).

Pego now asks the Court to grant additional time “to re-write, and copy, and mail the petition as a motion under § 2255.” (ECF #7 at 1, Pg. ID 220.) A motion

under § 2255 is properly filed with the Judge who presided over Petitioner's criminal case under the corresponding case number – here *United States v. Pego*, No. 12-cr-20486 (E.D. Mich.) (Ludington, J.). Any such motion cannot be filed in this action.

Accordingly, for all of the reasons stated above, **IT IS HEREBY ORDERED** that Pego's "Motion to Request Time to Re-File Correct Petition" (ECF #7) is **DENIED**.

Dated: June 25, 2015

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on June 25, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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